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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,799	07/02/2003	Rebecca Illingworth McKinnon	158.001US01	5342

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LEFFERT JAY & POLGLAZE, P.A.  
P.O. BOX 581009  
MINNEAPOLIS, MN 55458-1009

EXAMINER
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TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,799

Applicant(s)

ILLINGWORTH MCKINNON,  
REBECCA

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/2/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is the First Office Action on the Merits from the examiner in charge of this application.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: page 1, paragraph [004], line 3, "bt" should be "be".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5, 12-19, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 5, 12, 15, the preamble in claim 1 indicates that a subcombination is being claimed, e.g., "a cover for an electronic equipment, the cover comprising..." This language would lead the examiner to believe that the applicant intends to claim only the subcombination of a cover, the electronic equipment being only functionally recited. The problem arises when the electronic equipment is being positively recited, such as in claim 1. The examiner cannot be sure if applicant's intent is to claim merely the cover or the cover in combination with the electronic equipment, i.e., the cables. Applicant's is required to clarify what the claim is intended to be drawn to, i.e., either the cover alone or the cover in combination with the

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electronic equipment, and amend the claims accordingly. In claim 30, since the panel is part of the cover, it is not sure how the panel stretching to taut over an end of the cover.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7, 10-16, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 6,168,249 to Chien.

Chien discloses a cover for electronic equipment comprising all the elements recited in the above listed claims, such as shown in Fig 8, and including a frame 1 having a plurality of removably interconnected rods, a wall 45 disposed on the frame, wherein the frame causes the wall to be substantially rigid; a first end-panel, a second end-panel, lead-out/openings 451 for cables and accessing the electronic equipment; wherein the wall and the end-panels are at least one of a porous and substantially pliant material, the cover extends to cover cables extending from the electronic component.

7. Claims 1-5, 8-10, 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 6,209,973 to Steinberg.

Steinberg discloses a cover for electronic equipment comprising all the elements recited in the above listed claims, such as shown in Fig 16, and including a frame 116 having a plurality of removably rods, a wall disposed on the frame, wherein the frame causes the wall to be substantially rigid; a first end-panel, a second end-panel, indicia

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disposed on a surface of the cover, the cover is open at a base of the frame; wherein the wall and the end-panels are at least one of a porous and substantially pliant material, the cover extends to cover cables extending from the electronic component.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 15-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Chien.

Steinberg discloses a cover for electronic equipment comprising all the elements recited in the above listed claims, such as shown in Fig 16, and including a frame 116 having a plurality of removably rods, a wall disposed on the frame, wherein the frame causes the wall to be substantially rigid; a first end-panel, a second end-panel, indicia disposed on a surface of the cover, the cover is open at a base of the frame; wherein the wall and the end-panels are at least one of a porous and substantially pliant

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material, the cover extends to cover cables extending from the electronic component.

The differences being that Steinberg does not disclose openings for accessing the electronic equipment, the frame having a plurality of removably interconnected rods, and the method steps recited in claims 20-30.

Chien teaches the idea of a cover for electronic equipment comprising, such as shown in Fig 8, a frame 1 having a plurality of removably interconnected rods in order to provide a sturdy, yet can be knock-down frame; a wall 45 disposed on the frame, wherein the frame causes the wall to be substantially rigid; a first end-panel, a second end-panel, lead-out/openings 451 for cables and accessing the electronic equipment; wherein the wall and the end-panels are at least one of a porous and substantially pliant material, the cover extends to cover cables extending from the electronic component. Therefore, would have been obvious to modify the structure of Steinberg by providing the frame with a plurality of removably interconnected rods in order to provide a sturdy, yet can be knock-down frame, and openings in the end-panel for cables and accessing the electronic equipment, as taught by Chien, since both teach alternate conventional cover structure, used for the same intended purpose, thereby providing structure as claimed. In regard to the method claims, Steinberg, as modified by Chien, discloses all the structure recited therein; thus, it is well within the level of one skill in the art to perform the method steps recited in said claims.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gianelo, Roth, Hughes, Cooper, Hartwell, Takeda et al, Mason et

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al, Cabrera, Kanamori et al, and Alain all show structures similar to various elements of applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT  
September 29, 2005

  
**Hanh V. Tran**  
**Art Unit 3637**